

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

PABLO YASEL IZQUIRDO MARTIATO,
Agency No. A215945198

PETITIONER

v.

CIVIL ACTION NO. 5:19-cv-101-DCB-MTP

W. B. BARR, Attorney General;
and SHAWN GILLS, Warden of Adams
County Correctional Center

RESPONDENTS

ORDER

This matter is before the Court on pro se Petitioner Pablo Yasel Izquierdo Martiato's ("Petitioner") Petition [1] for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is an alien detainee currently housed at the Adams County Correctional Center in Natchez, Mississippi. Petitioner has paid the filing fee.

Because Petitioner is asserting in his Petition [1] a claim concerning his post-removal detention by the Department of Homeland Security, a § 2241 petition is the proper vehicle to pursue this matter. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001). The proper Respondent however is Petitioner's custodian, Warden Gillis. *See* 28 U.S.C. § 2243; *see Rumsfeld v. Padilla*, 542 U.S. 426, 434-42 (2004) ("[I]n habeas challenges to present physical confinement . . . the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official."). Therefore, Respondent Barr will be dismissed. Accordingly, it is hereby,

ORDERED AND ADJUDGED that Respondent W.B. Barr, Attorney General is dismissed.

SO ORDERED, this the 16th day of December, 2019.

s/David Bramlette

UNITED STATES DISTRICT JUDGE